

SHIRLI F. WEISS, Bar No. 079225
shirli.weiss@dlapiper.com
GERARD A. TRIPPITELLI, Bar No. 235788
jerry.trippitelli@dlapiper.com
DLA PIPER US LLP
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: 619.699.2700
Fax: 619.699.2701

Attorneys for Nominal Defendant Foundry
Networks, Inc. and Defendants Laurence L. Akin,
Ken K. Cheng, John P. Burger, Benjamin D. Taft,
Paul L. Twombly, Richard W. Bridges, Chandra
Kopparapu, Ivy Pei Shan Hsu, Karl D. Triebes, Lee
Chen, Robert W. Shackleton, William S. Kallaos,
Andrew K. Ludwick

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 11/29/07

IN RE FOUNDRY NETWORKS, INC.
DERIVATIVE LITIGATION,

Master File No. C-06-05598-RMW

**STIPULATION AND ORDER CONTINUING HEARING
ON MOTION TO DISMISS AND
CASE MANAGEMENT
CONFERENCE TO
FEBRUARY 1, 2008 AT 9:00 A.M.
AND 10:30 A.M., RESPECTIVELY**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

WHEREAS, pursuant to the parties' prior stipulation dated September 26, 2007 (the "September 26, 2007 Stipulation"), the Court is currently scheduled to hear oral argument on Nominal Defendant Foundry Networks, Inc.'s Motion to Dismiss Consolidated Derivative Complaint (the "Motion to Dismiss") and hold a Case Management Conference on November 30, 2007;

WHEREAS, the purpose of the September 26, 2007 Stipulation was to reschedule the hearing on the Motion to Dismiss and Case Management Conference to November 30, 2007 in

-1- STIPULATION AND ORDER RE:
HEARING ON MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE
MASTER FILE NO. C-06-05598-RMW

1 order to provide the parties with an opportunity to share certain information and further discuss
2 potential resolution of the action and whether it would be useful to go to mediation;

3 WHEREAS, since the September 26, 2007 Stipulation, the parties have shared
4 information, determined it would be useful to engage in settlement negotiations and go to
5 mediation at this juncture and are in the process of selecting a mediator and scheduling a
6 mediation;

7 WHEREAS, in light of the foregoing, the parties have agreed, subject to Court approval,
8 to continue the Motion to Dismiss hearing and the Case Management Conference to February 1,
9 2008; and

10 WHEREAS, the agreed upon schedule is not for the purpose of delay, promotes judicial
11 efficiency, and will not cause prejudice to any party.

12 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry Networks,
13 Inc. and all of the remaining Individual Defendants, through their respective counsel of record,
14 as follows:

15 1. The hearing on nominal defendant Foundry Networks, Inc.'s Motion to Dismiss is
16 rescheduled to February 1, 2008 at 9:00 a.m.

17 2. The Case Management Conference is rescheduled to February 1, 2008 at 10:30
18 a.m.

19 /////

20 /////

21 /////

22 /////

23 /////

24 /////

25 /////

26 /////

27 /////

28 /////

1 3. The parties agree that, by entering into this stipulation, they do not waive any
2 claim, argument or defense that they may have in this action and that nothing in this stipulation
3 limits the rights of any party to take any action not inconsistent with its express terms.
4
5

6 Dated: November 27, 2007

DLA PIPER US LLP

7
8 By: /s/ Gerard A. Trippitelli
GERARD A. TRIPPITELLI

9
10 Attorneys for Nominal Defendant Foundry
11 Networks, Inc. and Defendants Laurence L.
12 Akin, Ken K. Cheng, John P. Burger, Benjamin
13 D. Taft, Paul L. Twombly, Richard W.
Bridges, Chandra Kopparapu, Ivy Pei Shan
Hsu, Karl D. Triebes, Lee Chen, Robert W.
Shackleton, William S. Kallaos, Andrew K.
Ludwick

14 Dated: November 27, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

15
16
17 By: /s/ Cynthia A. Dy
CYNTHIA A. DY

18 Attorneys for Defendant Bobby R. Johnson, Jr.
19

20 Dated: November 27, 2007

KEKER & VAN NEST LLP

21
22 By: /s/ Elliot R. Peters
ELLIOT R. PETERS

23 Attorneys for Defendant Timothy D. Heffner
24
25
26
27
28

1 Dated: November 27, 2007

COOLEY GODWARD KRONISH LLP

2
3 By: /s/ John C. Dwyer
JOHN C. DWYER

4
5 Attorneys for Defendants Alfred J. Amoroso,
C. Nicholas Keating, Jr., and J. Steven Young

6 Dated: November 27, 2007

SCHIFFRIN BARROWAY TOPAZ &
KESSLER LLP

8
9 By: /s/ Eric L. Zagar
ERIC L. ZAGAR

10 Co-Lead Counsel for Plaintiffs

11
12 Dated: November 27, 2007

KELLER ROHRBACK L.L.P.

13
14 By: /s/ Juli E. Farris
JULIE E. FARRIS

15 Co-Lead Counsel for Plaintiffs

Attestation Pursuant to General Order 45

I, Gerard A. Trippitelli, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 27th day of November, 2007 at San Diego, California.

/s/ GERARD A. TRIPPITELLI
GERARD A. TRIPPITELLI

* * * *

XXXXXXXXXXXXXXXXX ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/29/07

Ronald M. Whyte
THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE